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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER,

TWO THOUSAND AND FOUR

PRESENT:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19391 of 2004

Between:

1 A.Prameela, W/o A.Balraj @ Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District
2 Narsing Raj Goud, S/o A.Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District
3 Kalyani, D/o A.Balraj @ Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District
4 Sirisha, D/o A.Balraj @ Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District
5 Goutam Raj Goud, S/o A.Balraj, @ Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District

..... PETITIONERS

AND

1 The Managing Director, A.P.Dairy Development Co-operative Federation Ltd.Lalapet, Secunderabad
2 The Deputy Director, Dairy Development, Mahaboobnagar Milk Shed, Mahaboobnagar District
3 A.Manemma, W/o A.Balraj, @ Balraj Goud,
R/o Gudur Village, Kondukoor Mandal, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders more particularly in the nature of Writ of Certiorari by calling for the records relating to Proceedings Lr.No.189/E1/Admn./DD-MBNR/04 dated 06-10-2004 in respect of Terminal/Service Benefits of late A.Balraj, @ A.Balraj Goud and declare the same as illegal, arbitrary and against to the Principles of Natural Justice and consequently quash the impugned order vide proceedings Lr.No.189/E1/Admn./DD-MBNR/04 dated 06-10-2004 proceedings.

Counsel for the Petitioner:MR.K.VENKATA REDDY

Counsel for the Respondent Nos. 1 & 2 : MR.N.RAJESWAR RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed for calling the records relating to

proceedings dated 06-10-2004 in respect of terminal/service benefits of late A.Balraj, alias A.Balraj Goud, and declare the same as illegal and arbitrary.

The petitioners claim to be legal heirs of the deceased A.Balraj alias Baljraj Goud who died on 17-3-2004, while working as Field Supervisor o f Milk Chilling Centre,Kalwakurthy, Mahboobnagar District. The first petitioner made a representation to the respondents 1 and 2 to release the death benefits of her husband. The 3rd respondent claims to be the wife of Balraj. Therefore, the respondents 1 and 2 directed the first petitioner to produce the succession certificate, vide proceedings dated 06-10-2004 on or before 20-10-2004. The said letter has been received by the first petitioner on 14-10-2004 .Hence, the present writ petition.

The learned counsel for the petitioners contended that the petitioners are ready to file succession O.P. to obtain a succession certificate from a competent civil Court of jurisdiction and till then the retirement benefits of the deceased Balraj cannot be disbursed, hence, he requests reasonable time to produce the succession certificate before the respondents 1 and 2.

On the other hand, the learned counsel for the respondents 1 and 2 contended that the death benefits of Balraj will be given to the persons who are declared by a competent Civil Court of Jurisdiction as legal heirs of Balraj.

The third respondent having served a notice, did not make her appearance before this Court. The dispute whether the petitioners are the legal heirs of the deceased Balraj or the 3rd respondent is the legal heir of deceased Balraj is required to be gone into by a competent civil Court of jurisdiction. The respondents 1 and 2 are right in not to pay any amounts to anybody till the parties get a succession certificate from a competent Court of Civil Jurisdiction. Since the time granted by the respondents 1 and 2 may not be sufficient for the petitioners to obtain a succession certificate from a competent civil Court, it is desirable to grant sufficient time to the petitioners to obtain a succession certificate duly impleading the third respondent as a party to the succession proceedings.

In the circumstances, the writ petition is disposed of with a direction to the petitioners to file a succession original petition before a competent civil Court of Jurisdiction duly adding the third respondent as a party and produce the succession certificate within four (4) months from the date of receipt of a copy of this order. No costs.

For any reason, if the petitioners are unable to produce the succession certificate within four months, they have to approach the first respondent and may seek for extension of time, by duly giving reasons.

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10 -12-2004

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ASSISTANT REGISTRAR

// TRUE COPY //

1 The Managing Director, A. P.Dairy Development Co-operative Federation Ltd. Lalapet, Secunderabad
2 The Deputy Director, Dairy Development, Mahaboobnagar Milk Shed, Mahaboobnagar District
3.2CD copies

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